

To: Don Waye/DC/USEPA/US@EPA[]
Cc: Jayne Carlin/R10/USEPA/US@EPA; David Powers/R10/USEPA/US@EPA; Stephen Sweeney/DC/USEPA/US@EPA[]; David Powers/R10/USEPA/US@EPA; Stephen Sweeney/DC/USEPA/US@EPA[]; tephon Sweeney/DC/USEPA/US@EPA[]
From: Allison Castellan <allison.castellan@noaa.gov>
Sent: Tue 10/2/2012 2:22:50 PM
Subject: Re: Oregon CZARA - Help locating missing attachments
[graycol.gif](#)
[1998 Conditional Approval Letter & Doc.pdf](#)
[OR Letter RE NOAAEPA 1999 Comments 02242000.pdf](#)
[jan10decisions.wpd](#)
Waye.Don@epamail.epa.gov
sweeney.stephen@epa.gov
[202-564-5491](tel:202-564-5491)
[202-564-5477](tel:202-564-5477)
[\(202\) 566-1170](tel:(202) 566-1170)
[\(202\) 566-1331](tel:(202) 566-1331)
waye.don@epa.gov
epa.gov/nps
sweeney.stephen@epa.gov
[202-564-5491](tel:202-564-5491)
[202-564-5477](tel:202-564-5477)
allison.castellan@noaa.gov
<http://coastalmanagement.noaa.gov>

Don--

I've attached a copy of the 1999 conditional approval findings and cover letter as well as NOAA and EPA's Response to OR's April 1999 submittal. I could not find record of us transmitting that to the state on 10/29/99 as claimed but did find the final comments (w/out date) in our files. The comments are also attached OR's Feb. 24, 2000 response back to us (the version I attached here, see pg. 5 for our comments on the April 1999 submittal).

I could not find record of a 12/31/02 memo in my files although I believe these were primarily delivered electronically to the e-record would be before my time. However, I do have record of a Jan. 10, 2003 memo from NOAA/EPA RE: EPA/NOAA 6217 Boundary Decision; and Response to Oregon's Supplemental Information in response to the Federal Findings of January 1998, submitted April 1999, January 2002, and October 2002, which I attached. I couldn't find in Nina's recent letter where she referenced a 12/31/02 memo, only where she referenced the doc I attached. If I overlooked something and Steve and point me to the right spot with additional context, I could try searching our records again.

Allison

On Tue, Oct 2, 2012 at 12:33 AM, Don Waye <Waye.Don@epamail.epa.gov> wrote:

Allison, Jayne & David,

Stephen Sweeney, EPA HQ's lead attorney for the Oregon lawsuit settlement and all other CZARA matters needs some historical documents pertaining to Oregon's Coastal Nonpoint Program. While I have located a couple of the files he needs, I do not have copies of the others he needs. I am hoping at least one of you does. Here's the list of documents that Nina Bell evidently received through her FOIA request, but which I do not have in my files. Will you please look for the following documents--and if you have them, will you please scan them and email them to Stephen and me?

1) a copy of the 1/13/98 conditional approval with letterhead and signatures.

2) a memo from NOAA & EPA dated 10/29/99, which Nina says responds to Oregon's first response (April 1999) to the conditional approval.

3) another letter dated 12/31/02 that Steve can't tell from Nina's reference whether it is from NOAA/EPA or from Oregon.

Optional additional detail is provided below in the exchange between Stephen and myself. Thanks!

Don

----- Forwarded by Don Waye/DC/USEPA/US on 10/02/2012 12:10 AM -----

From: Stephen Sweeney/DC/USEPA/US
 To: Don Waye/DC/USEPA/US@EPA
 Date: 10/01/2012 03:03 PM
 Subject: Re: Oregon CZARA & Timing of Pesticides Rulemaking Hearing

See below

Stephen J. Sweeney
 sweeney.stephen@epa.gov
 202-564-5491
 202-564-5477 (fax)

Don Waye---09/26/2012 05:53:04 PM---Stephen, I finally got my first opportunity to hunt down the documents you were looking for in our d

From: Don Waye/DC/USEPA/US
 To: Stephen Sweeney/DC/USEPA/US@EPA
 Date: 09/26/2012 05:53 PM
 Subject: Re: Oregon CZARA & Timing of Pesticides Rulemaking Hearing

Stephen,

I finally got my first opportunity to hunt down the documents you were looking for in our drawer of paper files. I have scanned some, but not all, of the documents you mention below. See my specific responses in red below.

Don Waye
 U.S. Environmental Protection Agency
 Nonpoint Source Control Branch (OWOW/AWPD)

USPS Mailing Address: Office (FedEx/UPS delivery):
 Mail Code 4503T Room 7417H
 1200 Pennsylvania Ave, NW 1301 Constitution Ave, NW
 Washington, DC 20460 Washington, DC 20004

Phone: (202) 566-1170 Fax: (202) 566-1331
 Email: waye.don@epa.gov Website: epa.gov/nps

Stephen Sweeney---09/21/2012 05:30:20 PM---Don, In my files, I've been trying to locate a copy of the January 13, 1998 conditional approval let

Stephen Sweeney---09/24/2012 09:24:22 AM---Thanks. Do you have a copy of the 1/13/98 conditional approval that has letter head and signatures?

From: Stephen Sweeney/DC/USEPA/US
 To: Don Waye/DC/USEPA/US@EPA
 Date: 09/24/2012 09:24 AM
 Subject: Re: Oregon CZARA & Timing of Pesticides Rulemaking Hearing

Thanks. Do you have a copy of the 1/13/98 conditional approval that has letter head and signatures? The website version is a text file rather than a copy of the original.

No. I did not find this. I did find a few copies of signed letters transmitting DRAFT findings documents from 1996 and 1997 (not attached). I suspect that Region 10 and NOAA were the only signatories, so perhaps they still have copies. Shall I ask them? Yes, please. Even if they could just scan an old document, I can "clean it up" with Adobe for a filing ready document.

Also, Nina Bell's correspondence refers to a memo from NOAA/EPA dated 10/29/99, which she says responds to Oregon's first response (April 1999) to the conditional approval. Do you have a copy of that?

I do not have a letter with that date.

I figure that Nina got EVERYTHING that she cites from among the documents released in the earlier FOIA request. It would be good to inquire of Dave Powers whether he might know what she is referring to.

I do have an undated letter that transmits a status table dated 9/30/99 that NOAA and EPA generated for Oregon. both are attached. I also scanned an undated federal response to Oregon's submittal of April 1999 that was located next to the status table and letter in the paper file, indicating that it was generated about that time. There is no transmittal letter for it; I suspect it was emailed. However, that was before my time at EPA, so I do not have a copy of this correspondence.

[attachment "OR_CZARA_fed_letter_Fall_1999.pdf" deleted by Stephen Sweeney/DC/USEPA/US] [attachment

"OR_CZARA_Status_Table,9-30-99.pdf" deleted by Stephen Sweeney/DC/USEPA/US] [attachment

"OR_CZARA_fed_response_Fall_1999.pdf" deleted by Stephen Sweeney/DC/USEPA/US]

Next, she cites to another letter (12/31/02), but I can't tell whether that is from NOAA/EPA or from Oregon. If you have that and could transmit a copy to me, that would help clarify things.

I am going to follow up a bit more on this in my electronic files, since I came to EPA and CZARA in June 2002. But I think this refers to an interim decision document that we transmitted to Oregon in early January 2003. This fits the normal pattern of a lag between when staff finalizes an interim decision document and when management signs the transmittal letters (esp. around the holidays). This is scanned and attached for you.

Just to make sure we have what actually went out the door, it would be helpful if you could ask the Region about this one as well.

[attachment "OR_CZARA_Jan2003_interim_decision_doc.pdf" deleted by Stephen Sweeney/DC/USEPA/US]

Finally, she cites to one that does look like a NOAA/EPA document dated 6/12/08 labeled "preliminary decisions on information submitted by Oregon". If I could lay eyes on that one too, then I think I should be able to recreate what happened more objectively (than she does).

I located this; it's scanned and attached. The interim decision document is dated 6/12/2008, but the signed transmittal letter is dated 6/25/2008 (per my previous comment about lag times between staff technical docs and letters signed by management).

THANKS!

[attachment "OR_CZARA_6-12-08_interim_decision_doc.pdf" deleted by Stephen Sweeney/DC/USEPA/US]

Thanks,

Steve

Stephen J. Sweeney
 sweeney.stephen@epa.gov
 202-564-5491
 202-564-5477 (fax)

--

~~ <> ~~ >< ~~ <> ~~

Allison Castellan
Coastal Management Specialist
Office of Ocean and Coastal Resource Management N/ORM3
National Oceanic and Atmospheric Administration, SSMC4
Silver Spring, MD 20910
Phone: 301-563-1125
Fax: 301-713-4004
allison.castellan@noaa.gov
<http://coastalmanagement.noaa.gov>